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March 31, 2008

VIA FACSIMILE

The Honorable Shira A. Scheindlin
United States District Court
Southern District of New York
500 Pearl Street, Room 1620
New York, New York 10007

RECEIVED
CHANCELLER
MAR 31 2008
JUDGE SCHEINDLIN

Re: Esposito v. State of New York et al., No. 07 CV 11612 (SAS) (DFE)

Dear Judge Scheindlin:

We represent Defendant Gladstein & Partners LLC in the above-referenced matter. We write to request an extension of time to respond to the Amended Complaint due to be filed April 2. The reason for the request is twofold: (1) The Complaint and Amended Complaint were just recently served and provided to our offices; and (2) more importantly, there is a similar action currently pending against our client in a New York Supreme Court action entitled, *Luisa C. Esposito v. Allen H. Isaac et al.* bearing Index No. 109446/06. The matter was commenced by Plaintiff on or about July 7, 2006, and is currently in the midst of discovery. Given that the claims versus Defendant alleged in the federal court action are nearly identical to those pending in the state court action, on March 25, 2008 we wrote Plaintiff a letter requesting that she withdraw her claims in the federal court action to avoid the need for unnecessary motion practice to dismiss such claims as duplicative (a copy of the letter is attached). Plaintiff, a *pro se* litigant, has yet to have a reasonable opportunity to reply.

Based on the foregoing, we respectfully request a two-week extension for Defendant to respond or otherwise move. It is our hope that Plaintiff will act in good faith and withdraw this matter on her own accord.

Defendant's request is granted. Defendant's
time to respond to the Amended Complaint is
extended to April 16, 2008. Any motion to dismiss
will follow the schedule set for other defendants.

Respectfully submitted,

Eric B. Topel

SO ORDERED:


Honorable Shira A. Scheindlin
United States District Judge

Date: New York, New York
March 31, 2008